

App. No. 09/483,666
Examiner Colbert
Art Unit 3624

REMARKS

Telephone Interview Summary

Examiner Colbert discussed the present application with Applicant's attorney on February 8, 2006. Applicant's attorney appreciated the opportunity to discuss the application. Claims 1-5 were discussed. Applicant pointed out that the Longfield reference does not disclose important aspects of the present invention as has been suggested in the office actions. Applicant pointed out that the specific passages of the Longfield reference that have been cited to reject the claims (Col. 2, lines 14-25; Col 2, lines 26-41; Col. 3, lines 40-45; Col 2, line 60-Col. 3, line 12; Col. 4, lines 3-18; Col. 4, line 3-Col. 5, line 23), at a minimum, do not teach or even suggest the following claim elements:

- historical income tax refund data comprising income tax refund amount data for at least one year prior to the current year;
- year-to-date income data for the current year wherein the date is prior to the end of the current tax year;
- year-to-date expense data for the current year wherein the date is prior to the end of the current tax year;
- a process to determine prior to the end of the current tax year an estimated income tax refund amount using historical income tax refund data, year-to-date income data for a date prior to the end of the current tax year, and year-to-date expense data for a date prior to the end of the current tax year; and
- a loan provided to a taxpayer prior to the end of the current tax year in an amount based on the estimated income tax refund.

App. No. 09/483,666
Examiner Colbert
Art Unit 3624

Applicant explained that Longfield is directed to *preparing and filing a tax return*. Because Longfield involves filing a tax return, the tax year must be over before data can be entered and processed in the system of Longfield. A tax return cannot be filed prior to the end of the tax year. Therefore, the data used in Longfield cannot be year-to-date income data and year-to-date expense data for the current year wherein the date is prior to the end of the current tax year. In fact, it would not make sense to use the tax preparation and filing system of Longfield with year-to-date data wherein the date is prior to the end of the current tax year because the return cannot be completed and filed with such data. There are no passages in Longfield that disclose the use of "year-to-date data wherein the date is prior to the end of the current tax year."

Applicant also explained that the present invention uses income tax refund amount data for at least one year prior to the current year in estimating a tax refund amount. Once again, because Longfield requires actual tax data for preparing and filing a tax return, an income tax refund amount from a prior year is irrelevant to the Longfield system. There are no passages in Longfield that disclose "historical income tax refund data comprising income tax refund amount data for at least one year prior to the current year" or the use of such data for any reason.

Finally, Applicant pointed out that Longfield teaches in Col. 2, lines 50-52 that "[a]fter creation of the deposit/loan account file 40, the tax return data is electronically filed with the tax authority" Longfield teaches issuing a loan to a taxpayer in conjunction with filing of the tax return. The tax return is prepared after the end of the current tax year and the loan is provided to the taxpayer after the end of the current tax

App. No. 09/483,666
Examiner Colbert
Art Unit 3624

year. In Longfield, there is no loan that is provided "prior to the end of the current tax year in an amount based on the estimated income tax refund."

At the end of the discussion, Examiner Colbert agreed that the Longfield reference does not teach the claim elements listed above and therefore, cannot support the claim rejections. Examiner Colbert further indicated that additional searching is required before the claims can be allowed. Therefore, no agreement regarding the claims was reached.

Claim Rejections Under 35 U.S.C. §103(a)

Claims 1-20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Longfield (U.S. Pat. 4,890,228) in view of "1040-ES Estimated Tax for Individuals 1998 (1040-ES)." Applicant has amended the claims as suggested by the Examiner. First, Applicant has amended the claims to include a limitation of estimating a tax refund prior to the end of the current tax year using historical income tax refund data for a date prior to the end of the current tax year and year-to-date income data for a date prior to the end of the current tax year. In addition, Applicant has amended claim 5 to read "providing a loan to said taxpayer prior to the end of the current tax year in amount based on said estimated income tax refund amount due for said current tax year for said taxpayer as determined by said computer."

With respect to the Examiner's arguments that Longfield teaches using historical income tax refund data, using year-to-date data for a date prior to the end of the current tax year, estimating a tax refund prior the end of a current tax year using historical income tax refund data and year-to-date data, and providing a loan prior to the end of

App. No. 09/483,666
Examiner Colbert
Art Unit 3624

the current tax year, Applicant respectfully submits the arguments have been addressed above. Applicant respectfully submits that Longfield does not provide the teachings asserted by in the office actions. Therefore, Longfield cannot be combined with "1040-ES" to support the claim rejections.

Applicant respectfully submits that none of the references cited in the Office Action alone or in combination teach or suggest granting of loans to taxpayers prior to the end of the current tax year based on year-to-date information and prior income tax refunds. Therefore, the claims are allowable as written.

Respectfully submitted,

Date: February 10, 2006

By:

Carol G. Stovsky
Carol G. Stovsky, Reg. No. 42,171
Standley Law Group LLP
495 Metro Place South, Suite 210
Dublin, Ohio 43017-5319
Tel.: 614-792-5555
Fax: 614-792-5536